

Remarks

Examiner's comments regarding the 112 rejection are noted, but applicants are unclear what the basis for the rejection is. Examiner has made two rejections because

5 "the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner appears to be concerned with the use

10 of the word "production system" and "tool group". But these terms were used and defined in the specification. Thus, Applicant clearly had possession of them at the time the application was filed, because they are specified in the specification.

15 It is understood that a patentee may be his own lexicographer, and that the patentee can claim as broadly as the disclosure, and the prior art, allow. The terms were used in the specification in a manner that is not inconsistent with their usage in the art. To make certain

20 that the meaning of the terms was clear, Applicant clarified what a production system is. Examiner may believe that the term is very broad, and Applicants do not disagree, but to say that Applicant was not in possession

of the term as of the filing date of the application, is simply not true. "Production system" was used throughout the specification and clearly, though broadly, specified. "Production system" is not truly circularly defined because  
5 the term was not used when specifying its meaning.

Applicants are even more perplexed with the use of the term "tool group", also a term of art. Examiner's references Berman in U.S. Patent 5,946,212, at column 3, lines 57-58, and Berman in U.S. Patent 6,341,240, at column  
10 3, lines 62-63 defines "tool group" using the same "one or more" language, so it is difficult to understand Examiner's objection to the language. It is even more difficult to understand, when one considers that "tool group" was never even used in the claims. "A set of at least one tool" was  
15 instead used in the claims, and that term is also clear.

Given that the term "production system" was used in the specification, and specified in a manner that, though is broad, is not indefinite, and given that tool groups were used in the specification and defined as a set of at  
20 least one tool, the use of "production system" and "a set of at least one tool" in the claims does not violate 35 U.S.C. 112. The portion of the specification reproduced by Examiner proves that the terms were in possession of the

inventor at the time the application was filed, and the use of the terms does not violate 35 U.S.C. 112.

The specification being clear, Examiner is respectfully requested to withdraw the objection.

5        Regarding the 102 rejection, the claims recite, receiving or receive "a quantity of time during which the second set of at least one tool is not able to control the first set of at least one tool."

10        None of the references discloses or suggests receiving a quantity of time which the second set of at least one tool is not able to control another set of at least one tool. Column 2, lines 43-52 of Berman do mention tool availabilities, but this relates to the tool itself, and does not relate to times that one tool cannot control any  
15 others as claimed. There is no teaching or suggestion regarding any quantity of time which one tool group cannot control another tool group: the availabilities appear to concern the availability of a tool itself.

20        Although the language Examiner is using in Paragraph 3 of the Official Action is not entirely clear, Applicant's attorney can only attempt to paraphrase the argument that I think is being made. That argument is that, if one tool never controls another tool, then the quantity of time in

which that tool is unable to control another tool is "all the time". However, this case is not covered by the claims, because the time is specified in the claim as being received for a set of at least one tool that *is controlled* 5 by the other tool. For example, as claim 1 shows (and the other claims employ at least similar language):

A method of simulating operation of a production system comprising a first set of at least one tool *controlled by* a second set of at 10 least one tool, the method comprising:

receiving a quantity of time during which the second set of at least one tool *is not able to control the first set of at least one tool..* (emphasis added)

15 The tools which are never controlled by another tool would not read on this language, and so Examiner's reference does not suggest the claim features.

The parallel and unrelated tool group language cited by Examiner in the '212 patent does not appear to 20 correspond to the claimed feature, "receiving a quantity of time during which the second set of at least one tool is not able to control the first set of at least one tool". Parallel tools are those that can perform common

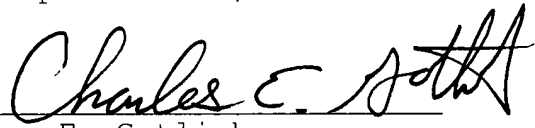
operations, and unrelated tools perform the operations at  
different speeds. This does not appear to address a  
quantity of time during which the second set of at least  
one tool is not able to control the first set of at least  
5 one tool, as claimed.

Thus, the claims are distinguishable over Berman.

Claims 1-29 are distinguishable over all cited  
references. Favorable action is solicited.

Respectfully submitted,  
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